

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 19, 2003

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Burtenshaw, Calabretta, Cameron, Hill, Keough, Lodge, Marley, McKenzie, Noh, Pearce, Richardson, Stennett, and Werk, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Monica Pratt, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Noh, Richardson, and Werk were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 18, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Burkett, Burtenshaw, Calabretta, Lodge, McKenzie, and Stennett were recorded present at this order of business.

February 19, 2003

The JUDICIARY AND RULES Committee reports that **S 1120**, **S 1121**, **S 1122**, and **S 1123** have been correctly printed.

DARRINGTON, Chairman

S 1120 was referred to the Health and Welfare Committee.

S 1121 and **S 1122** were referred to the Judiciary and Rules Committee.

S 1123 was referred to the State Affairs Committee.

February 18, 2003

The TRANSPORTATION Committee reports out **S 1038**, **S 1039**, **S 1041**, **S 1042**, and **S 1043** with the recommendation that they do pass.

INGRAM, Chairman

On request by Senator Ingram, granted by unanimous consent, **S 1038** was referred to the Fourteenth Order of Business, General Order.

S 1039, **S 1041**, **S 1042**, and **S 1043** were filed for second reading.

February 18, 2003

The TRANSPORTATION Committee reports out **S 1053** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

INGRAM, Chairman

There being no objection, **S 1053** was referred to the Fourteenth Order of Business, General Calendar.

February 19, 2003

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

David Bennett to the Idaho Food Quality Assurance Institute, term to expire July 1, 2006;

Wayne Hurst to the Idaho Food Quality Assurance Institute, term to expire July 1, 2006.

WILLIAMS, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 13, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Rulon M. Ellis of Pocatello, Idaho, to be Acting State Senator for

Legislative District 30. This appointment will be effective February 20, 21, and 24, 2003, and continue until such time as Senator Edgar Malepeai is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Edgar Malepeai, State Senator, District 30, Bannock County, State of Idaho, has nominated Rulon M. Ellis of Pocatello, Idaho, to perform the duties of this office temporarily as Acting State Senator.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Rulon M. Ellis of Pocatello, Idaho to the office of State Senator, District 30, for a term commencing February 20, 21, and 24, 2003 and continuing until such time as Senator Edgar Malepeai is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho this 13th day of February in the year of our Lord Two thousand and two and of the Independence of the United States of America the two hundred and twenty-sixth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Hill was recorded present at this order of business.

S 1047 and **S 1048**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

S 1093, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1112, by State Affairs Committee, was read the second time at length and filed for third reading.

H 13, as amended, by Mr. Speaker, was read the second time at length and filed for third reading.

H 89, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 142, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1056** retained its place on the Third Reading Calendar.

Senators Cameron, Keough, Pearce, and Marley were recorded present at this order of business.

S 1106 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1106** passed, title was approved, and the bill ordered transmitted to the House.

S 1056 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1056** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:35 a.m. until the hour of 10:45 a.m., Thursday, February 20, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary